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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,272	05/26/2005	Akio Iijima	082368-000800US	9339

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EXAMINER

TAHA, SHAQ

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/500,272	Applicant(s) IIJIMA ET AL.	
	Examiner SHAQ TAHA	Art Unit 2446	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2, 4 - 8, 39, 41 - 45, 80, and 81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 4 - 8, 39, 41 - 45, 80, and 81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>07/07/2005, 08/25/2005</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

This is a Non-Final action for application number 10/500,272 filed on 06/25/2004. Claims 2, 4 – 8, 39, 41 - 45, 80, and 81 are currently pending and have been considered below. Claims 2, 4, 39, 41, 80, and 81 are an independent claims.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 07/07/2005, 08/25/2005, were considered by the examiner.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 2 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claim 2, applicant has claimed an information distribution system in the preamble to this claim; wherein the applicant is claiming a system claim with means for, which is a software. Therefore, claim 2 is directed to non-statutory subject matter

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claims 2, 4, 39, 41, 80, and 81, the phrase "Category judgment" renders the claim indefinite because it is unclear what the applicant means by the phrase.

Regarding claims 2, 4, 39, 41, 80, and 81, the phrase "handicap application" renders the claim indefinite because it is unclear what the applicant means by the phrase.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4 – 8, 39, 41 - 45, 80, and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kida et al. (US 2002/0013729), in view of Inoue et al. (US 2003/0208560)

Regarding claims 2, 4, 39, 41, 80, and 81 an information distribution system that, in response to demand from each distribution demand terminal, reads out various information from a means of storing an information material and distributes the read-out information material to the distribution demand terminals via a network, where the system comprises, a means for managing a remaining number of distributions, **[If the number of records retrieved in step S60903 is less than or equal to the maximum number of advertisements, the flow advances to step S60907, wherein the remaining number of advertisement is the difference between the man number of advertisement and the number of advertisement as shown in Fig. 25, (Kida et al., Paragraph 353)],**

where the means stores the planned number of distributions during a period of time for each information material, **[Advertisement scheduling means 114 takes note of the first record in the user, wherein the advertisement list is stored as shown in Fig. 25, (Kida et al., Paragraph 347)],**

the actual number of distributions already made for each information material, **[Advertisement scheduling means 114 takes note of the first day of the valid period given in the third column (T803) of the noted user advertisement, (Kida et al., Paragraph 349)],**

and the remaining number of distributions for each category of each information material, which is the difference between these two numbers of distributions, **[If the number of records retrieved in step S60903 is less than or equal to the maximum**

number of advertisements, the flow advances to step S60907 to register noted user advertisement as shown in Fig. 25. (Kida et al., Paragraph 353)],

a means for generating an advertising list for extraction, where the means generates an advertising list for extraction of each category, **[Advertisement scheduling means 114 registers the noted user advertisement in user schedule database 108 as shown in Fig. 21, (Kida et al., Paragraph 359)],**

in which the extraction probability for each information material in the case of random extraction is the ratio of the remaining number of distributions for each information material to the accumulated total of the remaining number of distributions for each information material at that point in time, **[searching for and extracting the advertisement data that corresponds with a user's schedule information, and establishing an association between schedule information and advertisements, (Kida et al., Paragraph 21)],**

a means for category judgment, where the means judges the category to which the distribution demand terminal belongs at the time a distribution request is received from a distribution demand terminal, **[Keywords (D103) is the field where the advertiser uses keywords to indicate the content of the advertisement. Keywords can be entered with commas as separators. In the example of FIG. 4, the keywords "comics, weekly magazines" are being input, (Kida et al., Paragraph 104)],**

a means for selecting an advertising list, where the means selects the advertising list corresponding to the judged category, **[Category (D104) is the field where the advertiser selects the type of advertisement, (Kida et al., Paragraph 105)],**

a means for handicap application, which, when performing random extractions, applies a handicap each time to the remaining number of distributions of each information material comprised in the advertising list, so that the mean extraction probability is maintained over the time period, while causing deviation in the extraction probability distribution between each advertising list at each random extraction, **[adding a check box in front of each category, and putting a check mark in the check boxes of those categories that have been registered in the field for category of advertisement of interest in the record found in step S205, (Kida et al., Paragraph 153)],**

a means for random extraction, which performs random extraction with respect to the selected advertising list based on the remaining number of distributions of each information material to which a handicap has been applied, so as to extract one information material, **[searching for and extracting the advertisement data that corresponds with a user's schedule information, and establishing an association between schedule information and advertisements, (Kida et al., Paragraph 21)],**

and wherein an extracted information material is distributed via the information network from the information distribution server to the distribution demand terminal that made the request, **[An advertisement presentation system according to the**

present invention can be implemented as a system comprising a server and user terminals connected via a network, (Kida et al., Paragraph 25)],

an addition is made to the actual number of distributions already made,
["maximum number of advertisements" is the maximum number of advertisements that can be displayed in one day, and is a predetermined fixed value, (Kida et al., Paragraph 353)],

a subtraction is made from the remaining number of distributions based on the results of the distribution, **["maximum number of advertisements" is the maximum number of advertisements that can be displayed in one day, and is a predetermined fixed value, (Kida et al., Paragraph 353)],**

and the advertising list is updated so that the distribution results are reflected in the extraction probabilities for the next time, **[Moreover, a user can incorporate advertisements into his own schedule information, and advertisement can be on the basis of estimating the user's interests from these incorporated advertisements. As a result, advertisements that the user would like to get can be distributed on subsequent occasions, and hence more effective advertising can be expected, (Kida et al., Paragraph 428)],**

Kida fails to explicitly teach a random extraction based on the remaining number of advertisements,

Inoue et al. teaches the server computer 2 subtracts the obtained sum total of the issued receipts with advertisement from the "Maximum Number of Receipts to be Issued with Advertisement" in a corresponding record of the advertisement master file

M1, and sets a result of the subtracts in the "Remaining Number of Receipts to be Issued with Advertisement" (Step J12) as shown in Fig. 22, **(Inoue et al., Paragraph 200)**, in order to provide an advertisement distribution system which selects only useful advertisements corresponding to store attributes of a target store and transmits the selected advertisements to the store, **(Inoue et al., Paragraph 8)**,

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Kida et al. by randomly extracting advertisements based on the remaining number of advertisements wherein Inoue et al. teaches the server computer 2 subtracts the obtained sum total of the issued receipts with advertisement from the "Maximum Number of Receipts to be Issued with Advertisement" in a corresponding record of the advertisement master file M1, and sets a result of the subtracts in the "Remaining Number of Receipts to be Issued with Advertisement" (Step J12) as shown in Fig. 22, **(Inoue et al., Paragraph 200)**, in order to provide an advertisement distribution system which selects only useful advertisements corresponding to store attributes of a target store and transmits the selected advertisements to the store, **(Inoue et al., Paragraph 8)**.

Regarding claims 5 and 42, the information distribution system of claim 4, wherein the means of generating a distribution list generates a distribution list in which the extraction sequence is used as the advertisement distribution sequence, **[Category (D104) is the field where the advertiser selects the type of advertisement, (Kida et al., Paragraph 105)]**,

by repeating the random extraction of advertisements by the means for random extraction until the demanded advertisement slots are filled, **[searching for and extracting the advertisement data that corresponds with a user's schedule information, and establishing an association between schedule information and advertisements, (Kida et al., Paragraph 21)],**

while updating each number of planed distributions of the advertising list by reducing the number of planned distributions so that there is no return to the advertising list for the extracted advertisement, **[Moreover, a user can incorporate advertisements into his own schedule information, and advertisement can be on the basis of estimating the user's interests from these incorporated advertisements. As a result, advertisements that the user would like to get can be distributed on subsequent occasions, and hence more effective advertising can be expected, (Kida et al., Paragraph 428)].**

Regarding claims 6 and 43, the information distribution system of claim 4, wherein the means for generating a distribution list generates a distribution list in which the extraction sequence is used as the advertisement distribution sequence, **[Category (D104) is the field where the advertiser selects the type of advertisement, (Kida et al., Paragraph 105)],**

by repeating the random extraction of advertisements by the means for random extraction until the demanded advertisement slots are filled, **[searching for and extracting the advertisement data that corresponds with a user's schedule**

information, and establishing an association between schedule information and advertisements, (Kida et al., Paragraph 21)],

while multiplying the extraction probability of each advertisement by a corresponding correction coefficient and updating the extraction probability of each advertisement in the advertising list so that the extraction probability for the next time reflects the extraction results, **[when the advertisement is subsequently displayed, the copied advertisement is displayed in user schedule region D302 of schedule input/output means 107, and the user can refer to it at any time, (Kida et al., Paragraph 420)].**

Regarding claims 7 and 44, the information distribution system of claim 4 any wherein the advertisement distribution condition database further stores a category classification for each advertisement, **[under the following four-fold classification: An advertiser registers an advertisement. A user registers user information. A user manages his personal schedule. Sending an advertisement to a user's scheduler, on the basis of user preferences, (Kida et al., Paragraph 85)],**

and the system further comprises a means for minimum unit category classification which performs a detailed division, into minimum categories, of the categories for all the advertisements desired to be distributed during the time period, **[estimating a user's interests calculates more detailed user interests, and is not restricted to constant interests, but instead calculates dynamically changing interests--i.e., users' current interests, (Kida et al., Paragraph 235)],**

assigning the increase or decrease specifications stored in the advertisement distribution condition database to the corresponding minimum categories, and then storing the specifications again, **[When information relating to an event has been displayed, the value in the seventh column (T507) is increased by one, (Kida et al., Paragraph 208)]**.

Regarding claims 8 and 45, the information distribution system of claim 4 wherein the means for calculating the number of planned distributions, in order to increase or decrease the initially allocated number of reproductions for the advertisement for the specified category for each advertisement in accordance with the target specification, **When information relating to an event has been displayed, the value in the seventh column (T507) is increased by one, (Kida et al., Paragraph 208)]**,

performs a uniform flexible adjustment between the initially allocated number and the number of reproductions for the advertisement for categories without target specification for the advertisement, **[If the number of records retrieved in step S60903 is less than or equal to the maximum number of advertisements, the flow advances to step S60907 as shown in Fig. 25, (Kida et al., Paragraph 353)]**,

and uses each of the number of reproductions for the advertisement to which the increase or decrease adjustment has made as the planned number of distributions for each category, **[The seventh column (T507) gives the number of times that information relating to that record has been displayed on schedule input/output**

means 107. The initial value of this field is zero as shown in Fig. 11, (Kida et al., Paragraph 190)],

so that the overall number of reproductions for the advertisement comprised in each category agrees with the number of distribution demands for each category, **[FIG. 12 shows, as an example, the schedule data set obtained by retrieving, from the user schedule database example given in FIG. 11, schedule data having "002" as the user identification number, (Kida et al., Paragraph 191)],**

while maintaining the ratio of the number of reproductions for each advertisement for each category to the overall number of planned reproductions for advertisements comprised in each category after the flexible adjustment, **[If the number of records retrieved in step S60903 is less than or equal to the maximum number of advertisements, the flow advances to step S60907, (Kida et al., Paragraph 353)].**

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Shaq Taha** whose telephone number is 571-270-1921. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeff Pwu** can be reached on 571-272-6798.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/S. T./

Examiner, Art Unit 2446

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2446